



1 this Section. For purposes of this Section, "compliance  
2 violation" means a violation of a municipal regulation  
3 governing the condition or use of equipment on a vehicle or  
4 governing the display of a municipal wheel tax license.

5 (b) Any ordinance establishing a system of  
6 administrative adjudication under this Section shall provide  
7 for:

8 (1) A traffic compliance administrator authorized  
9 to adopt, distribute and process parking and compliance  
10 violation notices and other notices required by this  
11 Section, collect money paid as fines and penalties for  
12 violation of parking and compliance ordinances, and  
13 operate an administrative adjudication system. The  
14 traffic compliance administrator also may make a  
15 certified report to the Secretary of State under Section  
16 6-306.5.

17 (2) A parking, standing, or compliance violation  
18 notice that shall specify the date, time, and place of  
19 violation of a parking, standing, or compliance  
20 regulation; the particular regulation violated; the fine  
21 and any penalty that may be assessed for late payment,  
22 when so provided by ordinance; the vehicle make and state  
23 registration number; and the identification number of the  
24 person issuing the notice. With regard to municipalities  
25 with a population of 1 million or more, it shall be  
26 grounds for dismissal of a parking violation if the State  
27 registration number or vehicle make specified is  
28 incorrect. The violation notice shall state that the  
29 payment of the indicated fine, and of any applicable  
30 penalty for late payment, shall operate as a final  
31 disposition of the violation. The notice also shall  
32 contain information as to the availability of a hearing  
33 in which the violation may be contested on its merits.  
34 The violation notice shall specify the time and manner in

1 which a hearing may be had.

2 (3) Service of the parking, standing, or compliance  
3 violation notice by affixing the original or a facsimile  
4 of the notice to an unlawfully parked vehicle or by  
5 handing the notice to the operator of a vehicle if he or  
6 she is present. A person authorized by ordinance to  
7 issue and serve parking, standing, and compliance  
8 violation notices shall certify as to the correctness of  
9 the facts entered on the violation notice by signing his  
10 or her name to the notice at the time of service or in  
11 the case of a notice produced by a computerized device,  
12 by signing a single certificate to be kept by the traffic  
13 compliance administrator attesting to the correctness of  
14 all notices produced by the device while it was under his  
15 or her control. The original or a facsimile of the  
16 violation notice or, in the case of a notice produced by  
17 a computerized device, a printed record generated by the  
18 device showing the facts entered on the notice, shall be  
19 retained by the traffic compliance administrator, and  
20 shall be a record kept in the ordinary course of  
21 business. A parking, standing, or compliance violation  
22 notice issued, signed and served in accordance with this  
23 Section, ~~or~~ a copy of the notice, or the computer  
24 generated record shall be prima facie correct and shall  
25 be prima facie evidence of the correctness of the facts  
26 shown on the notice. The notice, ~~or copy,~~ or computer  
27 generated record shall be admissible in any subsequent  
28 administrative or legal proceedings.

29 (4) An opportunity for a hearing for the registered  
30 owner of the vehicle cited in the parking, standing, or  
31 compliance violation notice in which the owner may  
32 contest the merits of the alleged violation, and during  
33 which formal or technical rules of evidence shall not  
34 apply; provided, however, that under Section 11-1306 of

1 this Code the lessee of a vehicle cited in the violation  
2 notice likewise shall be provided an opportunity for a  
3 hearing of the same kind afforded the registered owner.  
4 The hearings shall be recorded, and the person conducting  
5 the hearing on behalf of the traffic compliance  
6 administrator shall be empowered to administer oaths and  
7 to secure by subpoena both the attendance and testimony  
8 of witnesses and the production of relevant books and  
9 papers. Persons appearing at a hearing under this  
10 Section may be represented by counsel at their expense.  
11 The ordinance may also provide for internal  
12 administrative review following the decision of the  
13 hearing officer.

14 (5) Service of additional notices, sent by first  
15 class United States mail, postage prepaid, to the address  
16 of the registered owner of the cited vehicle as recorded  
17 with the Secretary of State or, under Section 11-1306 of  
18 this Code, to the lessee of the cited vehicle at the last  
19 address known to the lessor of the cited vehicle at the  
20 time of lease. The service shall be deemed complete as  
21 of the date of deposit in the United States mail. The  
22 notices shall be in the following sequence and shall  
23 include but not be limited to the information specified  
24 herein:

25 (i) A second notice of violation. This notice  
26 shall specify the date and location of the violation  
27 cited in the parking, standing, or compliance  
28 violation notice, the particular regulation  
29 violated, the vehicle make and state registration  
30 number, the fine and any penalty that may be  
31 assessed for late payment when so provided by  
32 ordinance, the availability of a hearing in which  
33 the violation may be contested on its merits, and  
34 the time and manner in which the hearing may be had.

1 The notice of violation shall also state that  
2 failure either to pay the indicated fine and any  
3 applicable penalty, or to appear at a hearing on the  
4 merits in the time and manner specified, will result  
5 in a final determination of violation liability for  
6 the cited violation in the amount of the fine or  
7 penalty indicated, and that, upon the occurrence of  
8 a final determination of violation liability for the  
9 failure, and the exhaustion of, or failure to  
10 exhaust, available administrative or judicial  
11 procedures for review, any unpaid fine or penalty  
12 will constitute a debt due and owing the  
13 municipality.

14 (ii) A notice of final determination of  
15 parking, standing, or compliance violation  
16 liability. This notice shall be sent following a  
17 final determination of parking, standing, or  
18 compliance violation liability and the conclusion of  
19 judicial review procedures taken under this Section.  
20 The notice shall state that the unpaid fine or  
21 penalty is a debt due and owing the municipality.  
22 The notice shall contain warnings that failure to  
23 pay any fine or penalty due and owing the  
24 municipality within the time specified may result in  
25 the municipality's filing of a petition in the  
26 Circuit Court to have the unpaid fine or penalty  
27 rendered a judgment as provided by this Section, or  
28 may result in suspension of the person's drivers  
29 license for failure to pay fines or penalties for 10  
30 or more parking violations under Section 6-306.5.

31 (6) A Notice of impending drivers license  
32 suspension. This notice shall be sent to the person  
33 liable for any fine or penalty that remains due and owing  
34 on 10 or more parking violations. The notice shall state

1 that failure to pay the fine or penalty owing within 45  
2 days of the notice's date will result in the municipality  
3 notifying the Secretary of State that the person is  
4 eligible for initiation of suspension proceedings under  
5 Section 6-306.5 of this Code. The notice shall also state  
6 that the person may obtain a photostatic copy of an  
7 original ticket imposing a fine or penalty by sending a  
8 self addressed, stamped envelope to the municipality  
9 along with a request for the photostatic copy. The  
10 notice of impending drivers license suspension shall be  
11 sent by first class United States mail, postage prepaid,  
12 to the address recorded with the Secretary of State.

13 (7) Final determinations of violation liability. A  
14 final determination of violation liability shall occur  
15 following failure to pay the fine or penalty after a  
16 hearing officer's determination of violation liability  
17 and the exhaustion of or failure to exhaust any  
18 administrative review procedures provided by ordinance.  
19 Where a person fails to appear at a hearing to contest  
20 the alleged violation in the time and manner specified in  
21 a prior mailed notice, the hearing officer's  
22 determination of violation liability shall become final:  
23 (A) upon denial of a timely petition to set aside that  
24 determination, or (B) upon expiration of the period for  
25 filing the petition without a filing having been made.

26 (8) A petition to set aside a determination of  
27 parking, standing, or compliance violation liability that  
28 may be filed by a person owing an unpaid fine or penalty.  
29 The petition shall be filed with and ruled upon by the  
30 traffic compliance administrator in the manner and within  
31 the time specified by ordinance. The grounds for the  
32 petition may be limited to: (A) the person not having  
33 been the owner or lessee of the cited vehicle on the date  
34 the violation notice was issued, (B) the person having

1 already paid the fine or penalty for the violation in  
2 question, and (C) excusable failure to appear at or  
3 request a new date for a hearing. With regard to  
4 municipalities with a population of 1 million or more, it  
5 shall be grounds for dismissal of a parking violation if  
6 the State registration number or vehicle make specified  
7 is incorrect. After the determination of parking,  
8 standing, or compliance violation liability has been set  
9 aside upon a showing of just cause, the registered owner  
10 shall be provided with a hearing on the merits for that  
11 violation.

12 (9) Procedures for non-residents. Procedures by  
13 which persons who are not residents of the municipality  
14 may contest the merits of the alleged violation without  
15 attending a hearing.

16 (10) A schedule of civil fines for violations of  
17 vehicular standing, parking, and compliance regulations  
18 enacted by ordinance pursuant to this Section, and a  
19 schedule of penalties for late payment of the fines,  
20 provided, however, that the total amount of the fine and  
21 penalty for any one violation shall not exceed \$250.

22 (11) Other provisions as are necessary and proper  
23 to carry into effect the powers granted and purposes  
24 stated in this Section.

25 (c) Any municipality establishing vehicular standing,  
26 parking, and compliance regulations under this Section may  
27 also provide by ordinance for a program of vehicle  
28 immobilization for the purpose of facilitating enforcement of  
29 those regulations. The program of vehicle immobilization  
30 shall provide for immobilizing any eligible vehicle upon the  
31 public way by presence of a restraint in a manner to prevent  
32 operation of the vehicle. Any ordinance establishing a  
33 program of vehicle immobilization under this Section shall  
34 provide:

1           (1) Criteria for the designation of vehicles  
2 eligible for immobilization. A vehicle shall be eligible  
3 for immobilization when the registered owner of the  
4 vehicle has accumulated the number of unpaid final  
5 determinations of parking, standing, or compliance  
6 violation liability as determined by ordinance.

7           (2) A notice of impending vehicle immobilization  
8 and a right to a hearing to challenge the validity of the  
9 notice by disproving liability for the unpaid final  
10 determinations of parking, standing, or compliance  
11 violation liability listed on the notice.

12           (3) The right to a prompt hearing after a vehicle  
13 has been immobilized or subsequently towed without  
14 payment of the outstanding fines and penalties on  
15 parking, standing, or compliance violations for which  
16 final determinations have been issued. An order issued  
17 after the hearing is a final administrative decision  
18 within the meaning of Section 3-101 of the Code of Civil  
19 Procedure.

20           (4) A post immobilization and post-towing notice  
21 advising the registered owner of the vehicle of the right  
22 to a hearing to challenge the validity of the  
23 impoundment.

24           (d) Judicial review of final determinations of parking,  
25 standing, and compliance violations and final administrative  
26 decisions issued after hearings regarding vehicle  
27 immobilization and impoundment made under this Section shall  
28 be subject to the provisions of the Administrative Review  
29 Law.

30           (e) Any fine, penalty, or part of any fine or any  
31 penalty remaining unpaid after the exhaustion of, or the  
32 failure to exhaust, administrative remedies created under  
33 this Section and the conclusion of any judicial review  
34 procedures shall be a debt due and owing the municipality



1 and, as such, may be collected in accordance with applicable  
2 law. Payment in full of any fine or penalty resulting from a  
3 standing, parking, or compliance violation shall constitute a  
4 final disposition of that violation.

5 (f) After the expiration of the period within which  
6 judicial review may be sought for a final determination of  
7 parking, standing, or compliance violation, the municipality  
8 may commence a proceeding in the Circuit Court for purposes  
9 of obtaining a judgment on the final determination of  
10 violation. Nothing in this Section shall prevent a  
11 municipality from consolidating multiple final determinations  
12 of parking, standing, or compliance violation against a  
13 person in a proceeding. Upon commencement of the action, the  
14 municipality shall file a certified copy of the final  
15 determination of parking, standing, or compliance violation,  
16 which shall be accompanied by a certification that recites  
17 facts sufficient to show that the final determination of  
18 violation was issued in accordance with this Section and the  
19 applicable municipal ordinance. Service of the summons and a  
20 copy of the petition may be by any method provided by Section  
21 2-203 of the Code of Civil Procedure or by certified mail,  
22 return receipt requested, provided that the total amount of  
23 fines and penalties for final determinations of parking,  
24 standing, or compliance violations does not exceed \$2500. If  
25 the court is satisfied that the final determination of  
26 parking, standing, or compliance violation was entered in  
27 accordance with the requirements of this Section and the  
28 applicable municipal ordinance, and that the registered owner  
29 or the lessee, as the case may be, had an opportunity for an  
30 administrative hearing and for judicial review as provided in  
31 this Section, the court shall render judgment in favor of the  
32 municipality and against the registered owner or the lessee  
33 for the amount indicated in the final determination of  
34 parking, standing, or compliance violation, plus costs. The

1 judgment shall have the same effect and may be enforced in  
2 the same manner as other judgments for the recovery of money.  
3 (Source: P.A. 88-415; 88-437; 88-670, eff. 12-2-94; 89-190,  
4 eff. 1-1-96.)".